

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1301

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-12-61-1.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.6. As used in this chapter, "~~regional institute~~" "**region**" means **a regional institute an administrative region** established under section 10 of this chapter.

SECTION 2. IC 20-12-61-3, AS AMENDED BY P.L.127-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. Said educational institution shall be called "Ivy Tech Community College of Indiana". ~~but authority is hereby given to its governing board of trustees, as hereinafter described, to change the name of the institution, with the approval of the governor of the state of Indiana.~~

SECTION 3. IC 20-12-61-5, AS AMENDED BY P.L.127-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The state board is a body corporate and politic and shall be known by the name of "The Trustees of Ivy Tech Community College of Indiana". ~~except when the name is altered, as provided in this chapter.~~ In the corporate name and capacity the state board may sue and be sued, plead and be impleaded, in any court of record, and by that name shall have perpetual succession.

(b) The state board has responsibility for the management and policies of Ivy Tech and its ~~regional institutes~~ **administrative regions** within the framework of laws enacted by the general assembly. The

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state board shall select and employ a president of the institution, with qualifications set out, and other staff and professional employees as are required.

SECTION 4. IC 20-12-61-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The members of the state board shall elect from their own number a chairman and a vice chairman. The state board may select from their number a secretary and a treasurer of Ivy Tech but are not prohibited from appointing employees to serve as secretary and treasurer, and are authorized to appoint employees as assistant secretary and assistant treasurer.

(b) The state board shall meet regularly **at** least four (4) times a year, and at other times upon call by its chairman.

(c) A member of the state board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b), unless the member holds another position that is considered a lucrative office within the meaning of Article 2, Section 9 of the Constitution of the State of Indiana.

(d) A member of the state board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures by the Indiana department of administration and approved by the budget agency.

SECTION 5. IC 20-12-61-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.5. The duties of the treasurer of Ivy Tech include the following:

- (1) Keep true accounts of all money received into the treasury of Ivy Tech and of the expenditure thereof.
- (2) Pay out the same on order of the state board.
- (3) Collect the tuition and fees due to Ivy Tech as well as gifts, grants, bequests, and devises.
- (4) ~~Submit a full~~ **Prepare an annual financial** statement ~~of the finances of for~~ Ivy Tech and ~~his receipts and payments;~~ at each ~~annual regular~~ meeting of the state board **report on the financial condition of the college.**
- (5) Invest and reinvest such funds as shall come into ~~his the~~ **treasurer's** possession ~~to for~~ the benefit of Ivy Tech.

SECTION 6. IC 20-12-61-7.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.6. The treasurer of Ivy Tech shall give a bond in a penalty and with surety to be approved by the state board, payable to the state, conditioned upon the faithful discharge of ~~his the~~ **treasurer's** duties.

SECTION 7. IC 20-12-61-9, AS AMENDED BY P.L.127-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2007]: Sec. 9. The state board has the following powers and duties:

- (1) Initiating, promoting, inaugurating, and developing occupational and technical education programs **and appropriate workforce development, assessment, and training services** in a manner consistent with sections 1 through 2 of this chapter.
- (2) Operating, either through committee or through subordinate corporate entities, statewide general, liberal arts, occupational, and technical education programs, which in its opinion should be established due to the specialized nature of the programs, the limited number of students involved, or other unique features requiring special attention.
- (3) Contracting with appropriate education institutions, including local public schools or other agencies, to carry out specific programs which can best and most economically be provided through this approach.
- (4) Dividing the state into appropriate regions, taking into consideration, but not limited to, factors such as population, potential enrollment, tax bases, and driving distances, and developing an overall state plan which provides for the orderly development of ~~regional technical institutes~~ **the regions** encompassing, ultimately, all parts of the state into a coordinated system providing a comprehensive program of post-high school general, liberal arts, occupational, and technical education.
- (5) Whenever a ~~regional institute~~ **region** is established, issuing a ~~certificate of incorporation and a~~ charter in a form that the state board provides to the ~~regional institute~~ **region**, assisting and supervising the development of a regional plan, and coordinating regional programs to avoid unnecessary and wasteful duplication.
- (6) Making biennial studies of the budget requirements of the ~~regional institutes~~ **regions** and of its own programs and preparing a budget, including anticipated revenues and providing for the construction or rental of facilities requisite to carrying out the needs of Ivy Tech.
- (7) Performing or contracting for the performance of ~~an audit~~ **periodic audits** of the financial records of each ~~regional institute~~ **on at least a biennial basis: region.**

SECTION 8. IC 20-12-61-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. Whenever the state board establishes an ~~institute within a~~ **administrative** region, it shall appoint a regional board of trustees.

SECTION 9. IC 20-12-61-11 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The regional board of trustees of a ~~regional institute~~ **region** shall consist of **at least** seven (7) members, including at least five (5) members who are representative of the manufacturing, commercial, agricultural, labor, and educational groups of the region, all to be appointed by the state board. All members of the regional board must be residents of the region. Appointments are for three (3) year terms, on a staggered basis, and all trustees must be citizens of Indiana. Members may serve for an unlimited number of terms.

(b) A vacancy on the regional board shall be filled by appointment by the state board. The regional board shall nominate ~~three (3)~~ **and submit to the state board the names of one (1) or more** candidates to fill the vacancy within forty (40) days after the vacancy occurs. The state board may appoint one (1) of the persons nominated by the regional board or may reject all of the regional board's nominees. If the state board rejects all of the nominees from a regional board, the state board shall notify the regional board, and the regional board shall make ~~three (3)~~ **one (1) or more** additional nominations within forty (40) days after receipt of the notice. The state board shall then fill the vacancy from either the original group of nominations or from the additional nominations.

(c) The members of the regional board shall annually elect a chairman, a vice chairman, and a secretary. Meetings of the regional board shall be called in such a manner and at such times, and shall operate under such rules, as the regional board may prescribe, but the regional board shall meet at least four (4) times annually. A majority of the regional board constitutes a quorum. **The affirmative votes of a majority of the regional board are required for the board to take action on any matter.** Members of the regional board shall serve without pay but shall receive reimbursement for necessary expenses incurred in the conduct of business of the regional board.

SECTION 10. IC 20-12-61-12, AS AMENDED BY P.L.127-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A regional board shall do the following:

- (1) Make a careful analysis of the educational needs and opportunities of the region.
- (2) Develop and recommend to the state board a plan for providing postsecondary general, liberal arts, occupational, and technical education **programs and appropriate workforce development, assessment, and training services** for the people of that region.
- (3) Develop and recommend a budget for regional programs and

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operations.

(4) Identify and recommend alternative methods of acquiring or securing facilities and equipment necessary for the delivery of effective regional programs.

(5) Facilitate and develop regional cooperation with employers, community leaders, economic development efforts, area vocational centers, and other public and private education and training entities in order to provide postsecondary general, liberal arts, and occupational and technical education and training in an efficient and cost effective manner and to avoid duplication of services.

(6) Determine through evaluation, studies, or assessments the degree to which the established training needs of the region are being met.

(7) Make recommendations to the state board concerning policies that appear to substantially affect the regional board's capacity to deliver effective and efficient programming.

(b) A regional board may do the following:

(1) Adopt, amend, or repeal bylaws for the ~~regional institute~~ **region**, subject to the approval of the state board.

(2) Make recommendations to the state board concerning amendments to the charter of the ~~regional institute~~ **region**.

SECTION 11. IC 20-12-61-13, AS AMENDED BY P.L.127-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) In addition to the duties described in section 9 of this chapter, the state board may do the following:

(1) Hold, encumber, control, acquire by donation or purchase, construct, own, lease, use, and sell real and personal property as is necessary for the conduct of its program of operation, on whatever terms and for whatever consideration may be appropriate.

(2) Accept gifts, grants, bequests, and devises absolutely and in trust for support of the college or its programs.

(3) Develop and adopt the appropriate **education** programs to be offered **and workforce services to be provided**.

(4) Develop a statewide salary structure and classification system, including provisions for employee group insurance, employee benefits, and personnel policies.

(5) Employ the chief administrator of ~~a regional institute~~ **each region**.

(6) Authorize the chief administrator of ~~a regional institute~~ **region** to employ the necessary personnel for the ~~regional institute~~

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region, determine their qualifications, and fix their compensation in accordance with statewide policies established under subdivision (4).

(7) Grant appropriate certificates of achievement and associate degrees, including associate of applied science, associate of science, and associate of arts degrees, to students who complete prescribed and authorized courses or series of courses.

(8) Prescribe rules for the effective operation of a statewide program and exercise other powers that are necessary for the efficient management of the program.

(9) Establish a schedule of fees or charges for students and provide scholarships and remission of fees in proper cases.

(10) Authorize, approve, enter into, ratify, or confirm any agreement relating to a statewide program or a ~~regional institute~~ **region** with the United States government, acting through any agency of the government designated or created to aid in the financing of such projects, or with any person, organization, or agency offering contracts or grants-in-aid financing the educational facilities or the operation of the facilities and programs.

(11) Establish written policies for the investment of the funds of Ivy Tech in the manner provided by IC 30-4-3-3.

(b) Before taking any action under subsection (a)(1), (a)(3), (a)(5), or (a)(8) that would substantially affect a ~~regional institute~~ **region**, the state board shall request recommendations concerning the proposed action from the regional board for that region.

(c) Upon request of a regional board that has submitted recommendations under subsection (b) or section 12(a)(7) of this chapter, the state board shall conduct public hearings concerning the recommendations at a regular or special meeting of the state board.

SECTION 12. IC 21-22-1-5, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. ~~"Regional institute"~~ **"Region"** means ~~a regional institute~~ **an administrative region** established under IC 21-22-6-1.

SECTION 13. IC 21-22-2-2, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) ~~Subject to this section~~, The two (2) year state educational institution established by section 1 of this chapter shall be called "Ivy Tech Community College of Indiana".

~~(b) The board of trustees may change the name of the state educational institution with the approval of the governor.~~

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SECTION 14. IC 21-22-3-2, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The state board of trustees shall be known by the name of "The Trustees of Ivy Tech Community College of Indiana". ~~except when the name is altered, as provided in IC 21-22-2-2.~~ In the corporate name and capacity, the state board of trustees may sue, be sued, plead, and be impleaded, in any court of record, and by that name has perpetual succession.

SECTION 15. IC 21-22-4-4, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The duties of the treasurer of Ivy Tech Community College include the following:

- (1) Keeping true accounts of all money received into the treasury of Ivy Tech Community College and of the expenditure of that money.
- (2) Paying out the same on order of the state board of trustees.
- (3) Collecting the tuition and fees due to Ivy Tech Community College as well as gifts, grants, bequests, and devises.
- (4) ~~Submitting a full~~ **Preparing an annual financial** statement of the finances of for Ivy Tech Community College and the treasurer's receipts and payments; at each ~~annual~~ **regular** meeting of the state board of trustees **reporting on the financial condition of the college.**
- (5) Investing and reinvesting such funds as shall come into the treasurer's possession ~~to~~ **for** the benefit of Ivy Tech Community College.

SECTION 16. IC 21-22-5-2, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The state board of trustees shall meet regularly **at least** four (4) times a year and at other times upon call by its chairman.

SECTION 17. IC 21-22-6-1, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The state board of trustees may do the following:

- (1) Divide Indiana into appropriate regions, taking into consideration, but not limited to, factors such as population, potential enrollment, tax bases, and driving distances, and develop an overall state plan that provides for the orderly development of ~~regional technical institutes~~ **the regions** encompassing, ultimately, all parts of Indiana into a coordinated system providing a comprehensive program of post-high school

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general, liberal arts, occupational, and technical education.

(2) Whenever a ~~regional institute~~ **region** is established, issue a ~~certificate of incorporation and a~~ charter, in a form that the state board of trustees provides, to the ~~regional institute~~ **region**, assist and supervise the development of a regional plan, and coordinate regional programs to avoid unnecessary and wasteful duplication.

(3) Make biennial studies of the budget requirements of the ~~regional institutes~~ **regions** and of its own programs and prepare a budget, including anticipated revenues and providing for the construction or rental of facilities requisite to carrying out the needs of Ivy Tech Community College.

(4) Perform or contract for the performance of ~~an audit~~ **periodic audits** of the financial records of each ~~regional institute~~ **on at least a biennial basis: region.**

SECTION 18. IC 21-22-6-2, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. Whenever the state board of trustees establishes a ~~regional institute~~ **within a an administrative region**, it shall appoint a regional board of trustees.

SECTION 19. IC 21-22-6-3, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The regional board of a ~~regional institute~~ **region** consists of **at least** seven (7) members, including at least five (5) members who are representative of the manufacturing, commercial, agricultural, labor, and educational groups of the region, all appointed by the state board of trustees. All members of the regional board must be residents of the region. Appointments are for three (3) year terms, on a staggered basis, and all trustees must be citizens of Indiana. Members may serve for an unlimited number of terms.

SECTION 20. IC 21-22-6-4, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A vacancy on the regional board shall be filled by appointment by the state board of trustees. The regional board shall nominate ~~three (3)~~ **and submit to the state board the names of one (1) or more** candidates to fill the vacancy within forty (40) days after the vacancy occurs. The state board of trustees may appoint one (1) of the persons nominated by the regional board or may reject all of the regional board's nominees. If the state board of trustees rejects all of the nominees from a regional board, the state board of trustees shall notify the regional board, and the regional board shall make ~~three (3)~~ **one (1) or more** additional nominations within forty (40) days after receipt of the notice. The state board of trustees

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shall then fill the vacancy from either the original group of nominations or from the additional nominations.

SECTION 21. IC 21-22-6-7, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. A majority of the regional board constitutes a quorum. **The affirmative votes of a majority of the regional board are required for the board to take action on any matter.**

SECTION 22. IC 21-22-6-8, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A regional board shall do the following:

- (1) Make a careful analysis of the educational needs and opportunities of the region.
- (2) Develop and recommend to the state board of trustees, a plan for providing postsecondary:
 - (A) general education;
 - (B) liberal arts education; and
 - (C) occupational and technical education;**programs and appropriate workforce development, assessment, and training services** for the residents of that region.
- (3) Develop and recommend a budget for regional programs and operations.
- (4) Identify and recommend alternative methods of acquiring or securing facilities and equipment necessary for the delivery of effective regional programs.
- (5) Facilitate and develop regional cooperation with employers, community leaders, economic development efforts, area vocational centers, and other public and private education and training entities in order to provide postsecondary general, liberal arts, and occupational and technical education and training in an efficient and cost effective manner and to avoid duplication of services.

(6) Determine through evaluation, studies, or assessments the degree to which the established training needs of the region are being met.

(7) Make recommendations to the state board of trustees concerning policies that appear to substantially affect the regional board's capacity to deliver effective and efficient programming.

SECTION 23. IC 21-22-6-9, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2007]: Sec. 9. A regional board may do the following:

- (1) Adopt, amend, or repeal bylaws for the ~~regional institute~~ **region**, subject to the approval of the state board of trustees.
- (2) Make recommendations to the state board of trustees concerning amendments to the charter of the ~~regional institute~~ **region**.

SECTION 24. IC 21-22-6-10, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. Before taking any action under IC 21-27-6-3, IC 21-27-6-4, IC 21-31-2-5, IC 21-38-3-7(2), or IC 21-41-5-8 that would substantially affect a ~~regional institute~~ **region**, the state board of trustees shall request recommendations concerning the proposed action from the regional board for that region.

SECTION 25. IC 21-27-6-2, AS ADDED BY SEA 526-2007, SECTION 268, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The board of trustees of Ivy Tech Community College has responsibility for the management and policies of Ivy Tech Community College and its ~~regional institutes~~ **administrative regions** within the framework of laws enacted by the general assembly.

SECTION 26. IC 21-27-6-6, AS ADDED BY SEA 526-2007, SECTION 268, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The board of trustees of Ivy Tech Community College may authorize, approve, enter into, ratify, or confirm any agreement relating to a statewide program or a ~~regional institute~~ **region** with:

- (1) the United States government, acting through any agency of the government designated or created to aid in the financing of the projects; or
- (2) any person, organization, or agency offering contracts or grants-in-aid financing the educational facilities or the operation of the facilities and programs.

SECTION 27. IC 21-38-3-7, AS ADDED BY SEA 526-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board of trustees of Ivy Tech Community College may do the following:

- (1) Develop a statewide salary structure and classification system, including provisions for employee group insurance, employee benefits, and personnel policies.
- (2) Employ the chief administrator of a ~~regional institute~~ **each region**.

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(3) Authorize the chief administrator of a ~~regional institute~~ **region** to employ the necessary personnel for the ~~regional institute~~ **region**, determine qualifications for positions, and fix compensation for positions in accordance with statewide policies established under subdivision (1).

SECTION 28. IC 21-41-5-8, AS ADDED BY SEA 526-2007, SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. Subject to IC 21-22-6-10, the board of trustees of Ivy Tech Community College may develop and adopt the appropriate **education** programs to be offered **and workforce services to be provided.**

SECTION 29. IC 21-41-5-10, AS ADDED BY SEA 526-2007, SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The board of trustees of Ivy Tech Community College may do the following:

- (1) Initiate, promote, inaugurate, and develop occupational and technical education programs **and appropriate workforce development, assessment, and training services** in a manner consistent with sections 2 through 4 of this chapter.
- (2) Operate either through committee or through subordinate corporate entities, statewide general, liberal arts, occupational, and technical education programs, that in the board's opinion should be established due to:
 - (A) the specialized nature of the programs;
 - (B) the limited number of students involved; or
 - (C) other unique features requiring special attention.
- (3) Contract with appropriate education institutions, including local public schools or other agencies, to carry out specific programs that can best and most economically be provided through this approach.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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